



United States Department of the Interior

BUREAU OF LAND MANAGEMENT WARM SPRINGS RESOURCE AREA

15 East 500 North
Fillmore, Utah 84631



IN REPLY REFER TO:

3800
UT 055

millard Co.

June 28, 1990

RECEIVED
JUL 12 1990

DIVISION OF
OIL, GAS & MINING

CERTIFIED MAIL NO. P 045 739 570
RETURN RECEIPT REQUESTED

Mr. Paul Lamoreaux
Box 610, 195 North 200 East
Parowan, Utah 84761

Dear Mr. Lamoreaux:

On April 12, 1990, we sent you a letter regarding your activity on the Gas Saver group of mining claims in T. 23 S., R. 9 W., Section 26 (UMC 76349, 76350, 256845-256850) and the Chain No. 1 and 2 and Itzla claims in T. 24 S., R. 9 W., Section 11 (UMC 128677, 128678, 128696). In this letter we requested that you set up a time when we could meet to develop mutually agreeable plans for mining your reserve on these claims. You did contact this office after receipt of that letter requesting more time in which to set up this meeting. We have not heard from you since April.

An inspection of your claims was conducted on March 27, 1990. On the Gas Saver group of claims we noted two open pits. The highwalls were up to 15 feet in height. No berm, fence or other barricade existed at the top of the highwalls. One of the highwalls was significantly undercut with no shoring being evident. Vegetation was removed from a staging area and waste rock was dumped on the surface. We also noted that materials and trash were located on the claim and a backhoe was parked in one of the pits. The trash included numerous oil containers which suggests that oil was changed in some equipment on the site. We estimate that as much as six acres was disturbed at this location. There was no evidence that any reclamation has been undertaken.

On the Chain No. 1 and 2 and Itzla claims we noted that recent improvements had been made to access and that three recently developed pits existed. One old and unreclaimed pit also existed. One of the pits, although shallow, had vertical walls and poses a hazard to livestock. We estimate that as much as 3 acres was disturbed at this location. There was no evidence that any reclamation has been undertaken at this site.

Under the regulations found in 43 CFR 3809, you are required to file either a Plan of Operations or a Notice of Intent to conduct operations before you begin operating a mine or conducting other surface disturbing activities on unpatented mining claims. If more than 5 acres are to be disturbed, a Plan of Operations is required. If less than 5 acres is to be disturbed, a Notice of Intent is sufficient. A copy of these regulations is enclosed with this letter.

A Plan of Operations is required for the activities on the Gas Saver claim group. A Notice of Intent is required for the activities on the Chain No. 1 and 2 and Itzla claim group. We have no record that either of these documents have ever been filed with the BLM. Therefore, I am requiring that these documents be filed within 30 days of your receipt of this letter. You are to cease all mining activity until we have received these documents and completed our processing of them.

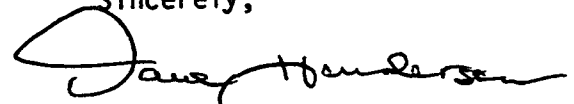
In your plan of operations for the Gas Saver claim group please specifically address how you intend to prevent access to the top of your highwalls and how you intend to stabilize the highwall which is undercut. If you have completed your mining then reclamation of the disturbed areas is required.

Finally, it appears that you are mining obsidian from these claims. The Interior Board of Land Appeals (IBLA) has held that obsidian is a common variety mineral (U.S. v. Mansfield, 35 IBLA 95 (1978)). This is to advise you that we are of the preliminary opinion that the subject material does not possess a unique property giving the deposit special and distinct value and, therefore, is a "common variety" mineral material not subject to location under the mining laws. You are further advised that if a final determination by the Department of Interior is made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to land, and administrative costs of recovering such compensation.

Should you have any questions regarding this letter, or need any assistance in preparing your Plan of Operations or Notice of Intent, please call Phil Allard at (801) 743-6811. The Plan of Operations and Notice of Intent should be mailed to the following address:

Bureau of Land Management
Warm Springs Resource Area
P.O. Box 778
Fillmore, Utah 84631

Sincerely,



Dave Henderson
Area Manager

Enclosure:
As Stated Above

cc: Jerry Reagan, Millard County Planning and Zoning
D. Wayne Hedberg, UDOGM